

Committee on the Application of Standards

CAN/PV General discussion

Commission de l'application des normes

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Comisión de Aplicación de Normas

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Deuxième séance, 3 juin 2025, 10 h 05**Second sitting, 3 June 2025, 10.05 a.m.****Segunda sesión, 3 de junio de 2025, 10.05 horas**

Président: M. Tabai
Chairperson: Mr Tabai
Presidente: Sr. Tabai

Discussion générale**General discussion****Discusión general**

*Interprétation de l'arabe: **Président*** – C'est un plaisir de vous souhaiter la bienvenue à cette 2^e séance de travail de notre commission. Aujourd'hui, nous avons des points importants à notre ordre du jour et je vous demanderai de contribuer activement au débat dans un esprit de solidarité pour que nous puissions avancer.

(L'orateur poursuit en français.)

Président – Notre séance de ce matin commencera par la discussion générale sur le rapport général de la commission d'experts.

Elle sera suivie par la discussion de l'étude d'ensemble intitulée *Atteindre une protection complète contre les accidents du travail et les maladies professionnelles*.

Après la discussion de l'étude d'ensemble, notre commission poursuivra ses travaux en examinant les cas de manquements graves des États Membres à leur obligation de faire rapport et à d'autres obligations liées aux normes. À cet égard, veuillez noter que le document CAN/D/SF préparé par le bureau pour cet examen est disponible sur la page Web de la commission. Ce document récapitule les pays concernés par ces manquements graves et contient des informations écrites fournies par les gouvernements à cet égard.

La commission pourra ensuite terminer la discussion générale avec les réponses de M. le juge Alain Lacabarats, le président élu de la commission d'experts, de la représentante du Secrétaire général, ainsi que les remarques finales des deux vice-présidents.

À l'ordre du jour également de la commission cette année, la discussion du rapport du Comité conjoint OIT/UNESCO d'experts sur l'application des recommandations concernant le personnel enseignant (CEART). À cette occasion, nous aurons le plaisir d'avoir avec nous M. Frank Hagemann, Directeur du département des politiques sectorielles, qui présentera le rapport.

Je vous informe également que les documents D contenant les informations écrites envoyées par les gouvernements du Kirghizstan pour la convention (n° 81) sur l'inspection du travail, 1947, de la Libye pour la convention (n° 29) sur le travail forcé, 1930, du Tchad pour la

convention (n° 182) sur les pires formes de travail des enfants, 1999, sont disponibles sur la page Web de notre commission.

Je vous informe également que le document D.0 (Rev.1), qui contient le nouveau programme de travail provisoire avec l'indication des dates d'examen pour chacun des 24 cas individuels, est maintenant disponible sur la page Web de la commission.

Permettez-moi de vous rappeler qu'il est strictement interdit de filmer, de prendre des photos de délégations autres que la vôtre ou de tweeter en direct pendant les séances de la commission, y compris dans la salle de retransmission de la plénière (Salle II).

Enfin, je me permets de vous demander une attention toute particulière pour le film que nous allons maintenant diffuser dans la salle et qui porte sur la prévention de toutes formes de violence et de harcèlement dans le cadre des manifestations placées sous l'égide de l'OIT.

(Projection d'une vidéo)

Président – Avant de donner la parole aux deux vice-présidents pour leurs déclarations d'ouverture de la discussion générale, je souhaiterais également vous rappeler que, pour permettre une gestion efficace du temps, les délégués sont priés de s'inscrire sur la liste des orateurs le plus tôt possible. Comme indiqué dans le document D.1, les délégués inscrits auprès de la commission doivent demander leur inscription sur la liste des orateurs en remplissant le formulaire prévu à cet effet, disponible sur la page Web de la commission, et en l'envoyant par courrier électronique à l'adresse mail de la commission: CAN@ilo.org.

Je voudrais également vous rappeler les temps de parole introduits pour la discussion générale, tels que prévus dans le Document D.1 de la commission. Ces temps sont les suivants:

- 20 minutes pour les porte-paroles des groupes des employeurs et des travailleurs;
- 12 minutes pour les déclarations des groupes gouvernementaux; et
- 5 minutes pour les autres membres.

Pour faciliter le travail des interprètes, je vous invite à envoyer votre déclaration par courrier électronique à l'adresse suivante: can-interpret@ilo.org. De plus, pour faciliter le travail, nous vous serions reconnaissants de parler à une vitesse raisonnable lorsque vous faites vos déclarations.

Je vais maintenant ouvrir la discussion générale. J'invite les deux vice-présidents à faire leurs déclarations liminaires. Je donne tout d'abord la parole à M. Tjalling Postma, vice-président travailleur, pour sa déclaration.

Worker members – Chairperson, representative of the Secretary-General, Chairperson of the Committee of Experts, ladies and gentlemen, I would like to begin by welcoming and extending my most sincere congratulations to Mr Alain Lacabarats who has been appointed as the new Chairperson of the Committee of Experts and we wish him every success in fulfilling this function.

I would like to reiterate that for the Worker members, the purpose of this exchange is not to expose the differences that one group or the other would have with the Committee of Experts. Rather, it is a question of identifying together the concerns common both to the Committee of Experts and the Conference Committee in order to improve the effectiveness of supervision.

We must highlight with some concern the fact that this moment of exchange is often diverted from this objective and is used as a means of interfering with the working methods of the Committee of Experts.

For example, the Committee of Experts is sometimes asked to give details of this or that aspect of its work. However, when you look at the report of the Committee of Experts and all the passages where it explains its working methods and selection criteria, these requests seem out of place.

The Worker members think it is not useful to the supervisory mechanisms to keep coming back to the same polemics. This is the case, for example, with the questions asked about the distinction between observations and direct requests. Despite all the explanations that have been given, this question comes up at every opportunity. Some argued that resorting to direct requests would prevent a discussion of certain elements by the social partners. However, it can be assumed that not everything is necessarily destined to be the subject of such a discussion. Also, it has already been pointed out that there is nothing to prevent the social partners from including, in their discussions, aspects identified in the direct requests.

We consider that direct requests are one of the modalities of the dialogue between the Committee of Experts and governments and, therefore, are an important tool in the toolbox of the Committee of Experts. We hope that once and for all, this criticism will be put to rest. More generally, I think that we should draw inspiration from the Committee of Experts, which shows professionalism, restraint and balance.

On another note, the Committee of Experts draws our attention to subjects that deserve this attention. This is particularly the case with the situation of seafarers. The ILO has devoted a specific body of standards for them, which does not prevent us from noting that their working conditions are far from being exemplary. Worse, even their lives are in danger, as illustrated by the sad events that have recently occurred in the Red Sea. The Committee of Experts also warns in its report about the increase in acts of violence in the world of work. These cases have been noted in various circumstances such as in the context of the exercise of trade union

rights, forced labour or discrimination against women among others. It seems to us that these subjects reinforce the need to emphasize the quality of the report rather than make other comments about it.

We also note the continued interaction between the Committee of Experts and the United Nations Treaty bodies. Clearly, this relationship must continue to reinforce and complement each body to advance human dignity and labour rights, in line with the Declaration of Philadelphia and the International Bill of Rights.

We further take note of the efforts to streamline the article 22 and 23 reports in the context of further modernization of the Committee of Experts' working methods.

We will have an opportunity to say more about this in other forums, but for the Worker members, it is clear that any streamlining or modernization must not lead to watering down the quality of reports from governments in relation to the scope of the Conventions. It is also obvious that it should never force social partners to self-censor or chill their expression, and that a negative impact on the quality of discussions in the Committee should be avoided. We also note the emphasis on the deadline of 1 June for submission of article 22 reports by governments. We request that governments who need assistance in this regard, are assisted to deliver on this timeline.

Let me end by returning to a point we made yesterday regarding the link between socio-economic development and what we do in our Committee. Without effective follow-up, there are no real gains for workers on the ground. We regret that there are still governments who have failed to invite the ILO to follow-up on the conclusions of the Committee. Some may have dealt with these conclusions in an apparently superficial manner. Others may be falling into the category of repeated refusal on the part of a State to comply with its obligations. In urging

the governments concerned, we also urge the Office to consistently follow-up and offer technical assistance.

The Worker members stand ready to deepen the reflection on how to face these challenges so that the complementary relationship between the Committee of Experts and the Conference Committee can lead to the delivery of decent jobs, human dignity and labour rights, in line with the mandate of the ILO.

Président – Je donne maintenant la parole à M. Kaizer Moyane, vice-président employeur, pour sa déclaration.

Employer members – I would like to welcome all the members of the Committee to this general discussion. I would also like to extend, in absentia, our congratulations to the newly appointed members of the Committee of Experts with whom we will hopefully interact at some point.

Now, with regard to the general discussion, there are a few points we consider to be important for the supervisory work and we would like to express our views on them.

First, with regard to the status of compliance with ratified Conventions. As in recent years, this year's Committee of Experts report has over 1,100 pages containing 625 observations and 1,145 direct requests. These figures show that large scale non-compliance exists with ratified Conventions and the Committee of Experts' views of them. This raises the fundamental question of whether Member States fully assessed if they have the capacity to implement and report on an ILO Convention before ratifying it. In our view, effective implementation requires reliable, rigorous and tripartite pre-ratification assessments to determine what changes in law and in practice would be needed to comply with the Convention, including the Committee of Experts' interpretations and whether they are feasible. It also requires adequate capacity and

resources to implement the Convention and then well-developed implementation plans agreed upon with all social partners. The Committee notes that 72 countries require ILO technical assistance to implement instruments they have already ratified. This suggests that many countries' ratifications occur despite insufficient technical capacity for implementation. The Employer members reiterate that ratification should only occur when there is reasonable clarity that proper implementation can be ensured, that balances the needs of all the tripartite constituents. The high number of comments by the Committee of Experts suggests that ratifications often take place prematurely or without adequate pre-ratification assessments.

We would like to remind the Committee that ratifying an ILO Convention is not the starting point, nor should it be the end of the journey, but merely a milestone on a much broader path involving continuous dialogue, national ownership by the Government and social partners and effective implementation.

Ratification reflects a country's readiness to align its legal and institutional frameworks with international standards, but ratification alone does not ensure compliance or meaningful impact. What comes before, through national dialogue, legal assessments and stakeholder consultations, and what comes after through implementation, monitoring and review are equally important. We believe that the application of ratified Conventions could be considerably improved if ratifications were approached more consistently with strict attention to compliance. This would also, as a consequence, significantly reduce the number of the Committee of Experts' comments and ease the burden on the supervisory system allowing greater focus on persistent and complex non-compliance cases.

A second area on which I would like to express a view is the distinction between direct requests and observations. Now, the Employer members remain unconvinced by the current distinction between direct requests and observations. While we take note of the explanation

provided in paragraph 82 of the Report, we continue to question the usefulness and clarity of this distinction in practice. We find it difficult to understand why substantive issues, including those of a technical nature or raised in a first report, are addressed solely through direct requests, which do not appear in the Committee of Experts' report and are, therefore, not subject to discussion in the CAS. This raises legitimate concerns about transparency, consistency and the visibility of compliance challenges.

In light of the ongoing efforts to modernize the reporting system, the Employer members suggest discontinuing the use of direct requests altogether. This is despite the contrary view held or expressed by other groups in this Committee. Where clarification or additional information is needed, we would suggest that the Office engage informally with the Governments concerned. Such an approach would streamline processes, clearly distinguish between information-gathering and supervisory review, and enable the Committee of Experts to focus its resources more effectively where they are most needed. We trust that these considerations will be taken into account as part of the evolving discussions on the future of the supervisory system.

The third area on which I would like to express a view is the pending International Court of Justice Advisory Opinion on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In November 2023, the Governing Body referred a long-standing issue of the right to strike under Convention No. 87 to the International Court of Justice for an Advisory Opinion.

While this matter is still pending, the Employer members would have expected the Committee of Experts to suspend its comments on the right to strike until the ICJ Advisory Opinion is published, as the Employer members had asked at the special sitting of the Committee of Experts.

This would have been appropriate in order to avoid any appearance of interference or of any intention to influence the course and outcome of the proceedings by the Committee of Experts. Moreover, based on the 2015 agreement, the right to strike and all related aspects will not be mentioned in the conclusions of Convention No. 87 cases. We look forward to a unified approach agreed in a tripartite manner once the ICJ Advisory Opinion has been issued.

The fourth area I would like to say something about is streamlining of article 22 reporting. Here the Employer members, like the Worker members, support the ongoing efforts to streamline reporting under article 22 of the ILO Constitution. We believe this process has the potential to ease the reporting burden on ratifying States and improve overall efficiency. However, from our view, streamlining reporting can only be effective and efficient if Governments have sufficient capacity for reporting. Therefore, in addition to streamlining reporting as already mentioned, a more committed and deliberate approach to ratification is needed to ensure that ratifying States are both willing and able to comply meaningfully.

At the same time, we caution that if the streamlining exercise focuses too narrowly on reporting mechanics, we risk missing a broader opportunity to make the supervisory system truly more effective. Regardless, the Employer members will actively engage in and participate in all discussions and decision-making processes related to the reform of the reporting system, ensuring that our views and concerns are fully represented throughout.

The Employer members trust that the Committee of Experts will ensure the comments under the future reporting system will be more balanced, proportionate and actionable.

Furthermore, the Employer members note that the use of thematic implementation reports should not affect access to the Committee of Experts outside the reporting cycle, as well as the ability of the Conference Committee to select cases for discussion. Constituents need some flexibility beyond the reporting cycle to submit their comments.

The fifth area is the session with the UN Treaty Body Chairpersons and Special Procedures Mandate Holders. We welcome the ongoing exchanges between the Committee of Experts and the UN Treaty Body Chairpersons and Special Procedures Mandate Holders. Coordination and collaboration across the UN system in our view is essential, especially in the current times of uncertainty and where multilateralism is under threat. Exchange and dialogue are crucial to ensure a strong, coherent and certain response. Exchanges covered a wide range of common topics of interest including employment, human rights, demographic changes, environmental transitions, digital transformation, social security, migration, indigenous peoples and persons with disabilities. However, in these interactions it is essential that the ILO consistently highlights and safeguards its unique tripartite identity which distinguishes it from other institutions in the UN system. The involvement of governments, employers and workers on an equal footing is not just a feature of the ILO but it is the foundation of its legitimacy, effectiveness and credibility.

We welcome the nuanced approach to demographic shifts including all the workers and support flexible regionally adapted policies. On environmental transitions, we note a call for the promotion of ratification of occupational safety and health Conventions recognizing their importance as fundamental Conventions, while underlining that ratification remains a sovereign decision.

Regarding digital transitions, we support balanced regulation that offers innovation and decent work conditions while promoting lifelong learning and formalization of informal work. We agree on the importance of sustainable social protection systems and stress the need for financing mechanisms and regulatory models that reflect national capacities.

Regarding labour migration, the Employer members note the calls for ratification and reiterate our commitment to fair recruitment and non-discrimination.

The sixth area is current developments on maritime matters. Employer members are aware of the difficulties seafarers have experienced in recent years. The Maritime Labour Convention, 2006, as amended, (MLC, 2006), demonstrates how this instrument with tripartite support can evolve effectively through its particular, simplified amendment procedure. However, we must ensure that its dynamic evolution remains coherent with the broader body of ILO standards. We welcome the entry into force of the 2022 amendments on 23 December 2024 and encourage the Office to provide technical assistance to support Member States to ensure their effective implementation. Such support will be important to help ensure the implementation of the MLC, 2006, and that it is fully realized.

We also believe that creating synergies with other UN entities such as the International Maritime Organization can play a key role in strengthening the ILO's impact on the international stage. When based on the ILO's mandate and tripartite structure and governance, strategic collaboration can improve coherence across the UN system and increase our collective ability to tackle global issues.

A seventh area are the current developments on violence in the world of work. Employer members are deeply concerned by the increase of violence in the world of work and highlight that this issue spans all international labour standards instruments, not only the ILO fundamental Conventions. Employer members are also concerned that violence has particular implications for women's rights and participation in the workplace. However, we stress also that all workers are affected and call for a holistic response. This includes not only the Violence and Harassment Convention, 2019 (No. 190), but also broader equality standards such as the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). We believe that non-normative actions such as training, technical assistance and advocacy could also help address the root causes of violence.

In conclusion, we affirm our commitment to the ILO standard supervisory system. We will be supporting improvements to the system in a tripartite manner. It is our strong view that for the ILO standard supervisory system to have a real and lasting impact, it must remain balanced and responsive to the needs of all three constituents. We highlight that without sustainable enterprises, there are no jobs and no decent work. In today's climate of trade tensions and geopolitical uncertainty, it is our belief that the Committee of Experts' comments should give greater focus and attention to an enabling environment for sustainable enterprises. I once again hope to see this interconnectedness coming through in the Committee of Experts' comments.

In this spirit, we thank the Committee of Experts for this exchange with the Conference Committee and look forward to continuing our work with them to strengthen the ILO's standards supervisory system.

Président – Je vois qu'il y a une demande de prise de parole de la part des gouvernements sur ce point de l'ordre du jour. J'invite la distinguée représentante du gouvernement de la Pologne, M^{me} Lemieszewska Renata Maria, à prendre la parole au nom de l'Union européenne.

Government member, Poland, speaking on behalf of the European Union (EU) and its Member States (Ms LEMIESZEWSKA) – Chair, I have the honour to speak on behalf of the European Union and its Member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, Republic of Moldova, the EFTA countries Iceland and Norway, members of the European Economic Area and Switzerland align themselves with this statement.

We welcome the discussion of the Committee on the Application of Standards, a crucial pillar of the ILO supervisory system. We strongly believe in the fundamental importance of

international labour standards, their ratification and the effective and authoritative supervision of their implementation.

We highly appreciate the analysis and expertise of the Committee of Experts shown in its annual report, which provides a solid basis for the work of our Committee and a guidance to all Member States to implement international labour standards. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts.

We appreciate the third information session of the Committee of Experts held with governments and look forward to a new meeting in 2025.

We regret the decline observed in the rate of submission of reports by Member States and encourage all countries to comply with reporting obligations in order to enable the sound functioning of the supervisory system. We hope that the ongoing efforts to streamline the reporting system will ease the reporting burden on governments.

We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations Human Rights Treaty Bodies. This collaboration is crucial to enhance the effective fulfilment of human rights including labour rights. We encourage further exchanges as they provide scope for inspiration, cooperation and synergies, while respecting the autonomous mandates of all bodies.

We very much welcome the Office of the High Commissioner for Human Rights joining the Global Coalition for Social Justice. The EU and its Member States have consistently supported the Global Coalition for Social Justice and its ambition to advance social justice and decent work for all.

We note with regret that the situation we are in puts us out of track to reach by 2030 the Sustainable Development Goals (SDGs) and particularly SDG8 on Decent Work and Economic Growth. In this regard, international labour standards provide a solid basis to build social and

economic stability, as well as inclusive societies all over the world, in particular in times of multiple crises.

We aim at a new impetus of the Second World Social Summit to foster social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills. We reaffirm our full support to the tripartite key messages adopted by the Governing Body and to the resolution that we have on the agenda of the Conference for adoption this week.

Regarding developments on maritime matters, we appreciate the amendments and resolution agreed upon at the recent Fifth Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006 (MLC, 2006). They are important steps in ensuring that the Convention remains a living, relevant instrument.

We are very concerned by the findings of the Committee of Experts regarding the increased level of violence in the world of work, particularly faced by women, indigenous peoples and other vulnerable groups.

We would like to share the latest legislative and policy action, through which we aim to further advance decent work. We work towards the ratification by all European Union Member States of the two new fundamental ILO Conventions on a safe and healthy working environment. Regarding decent work in the platform economy, we look forward to the standard setting discussion on this topic during the Conference while implementing our EU platform work directive. In the context of decent work in supply chains, we are working on the implementation of the EU Corporate Sustainability Due Dilligence Directive (CSDDD) and the European Forced Labour Regulation (EUFLR) that came into force at the end of 2024.

We are committed to supporting partner countries with technical assistance projects to enhance the effective application and implementation of labour standards in particular

fundamental ILO Conventions. We promote decent work through the EU's bilateral and regional trade and investment agreements and unilateral preferential trade schemes. We also deeply value the technical assistance provided by the Office, particularly to help countries address the gaps highlighted in the conclusions of the Committee.

The EU and its Member States reiterate their full support to the well-functioning and authoritative supervisory system of the ILO, which is built on tripartism and social dialogue. This unique and robust system provides a valuable example of the multilateral rules-based order.

We are looking forward to a constructive engagement with tripartite constituents during the debates in this Committee.

Président – Je ne vois pas d'autres demandes de prise de parole. Comme il s'agissait du dernier orateur inscrit, nous allons conclure la discussion générale pour aujourd'hui.

La commission poursuivra la discussion générale ce soir avec les réponses de M le juge Alain Lacabarats, le président élu de la commission d'experts, de la représentante du Secrétaire général, ainsi qu'avec les remarques finales des deux vice-présidents.

La séance est suspendue à 10 h 45.

The sitting was suspended at 10.45 a.m.

Se interrumpe la sesión a las 10.45 horas.